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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

SHEET METAL WORKERS LOCAL 265)	
WELFARE FUND, <i>et al.</i> ,)	
)	
Plaintiffs,)	CIVIL ACTION
)	
vs.)	NO. 08 C 1712
)	
TAMARACK HEATING & COOLING, INC.,)	JUDGE RUBEN CASTILLO
an Illinois corporation,)	
)	
Defendant.)	

JUDGMENT ORDER

This matter coming on to be heard upon the Motion of Plaintiffs, by their counsel, it appearing to the Court that the Defendant, TAMARACK HEATING & COOLING, INC., an Illinois corporation, having been regularly served with process and having failed to appear, plead or otherwise defend, and default of said Defendant having been taken on April 24, 2008, the Court, first being fully advised in the premises and upon further evidence submitted herewith, FINDS:

1. It has jurisdiction of the subject matter herein and of the parties hereto.
2. The Defendant is bound by the terms of the collective bargaining agreement or agreements referred to in the Complaint of Plaintiffs.
3. The Defendant is obligated to make contributions to each of the Plaintiff Funds in accordance with collective bargaining agreement.
4. The Defendant is bound by all the terms and conditions set forth in the Agreements and Declarations of Trust governing the Plaintiff Funds.

5. Defendant has submitted monthly contribution reports to the Plaintiffs indicating all employees of the Defendant covered by the collective bargaining agreement referred to in the Complaint and the number of hours worked or paid for pursuant to the terms of the collective bargaining agreement referred to herein, for the months of November 2007 through January 2008.

6. Said monthly contribution reports establish that there is due and owing, for the period in question, to Plaintiffs the total amount of \$418,443.36 for contributions and \$41,844.33 for liquidated damages, for a total of \$460,287.69.

7. Defendant is in violation of its obligation to submit all monthly contribution reports for the months of February 2008 and March 2008.

8. Plaintiffs are entitled to make an audit of the payroll books and records of Defendant to verify the accuracy of the monthly reports referred to herein and covered by the reports submitted to Plaintiffs, and to determine what additional amounts are due and owing to Plaintiffs.

9. Defendant has failed to timely make all contributions required to be made to the Plaintiff Funds, as provided in the Agreements and Declarations of Trust governing the respective Funds, Plaintiffs are entitled to recover:

- (a) the cost of the audit of the payroll books and records of Defendant;
- (b) a sum equal to ten (10%) percent of the amount determined to be due;
- (c) costs and expenses of the Trustees, including their reasonable attorneys' fees.

10. Plaintiffs have incurred court costs totaling \$390.00 and reasonable attorneys' fees totaling \$4,071.25.

11. There is no just cause for delay in the entry of a Judgment Order as to the sum of \$464,748.94 owed to the Plaintiffs from Defendant.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED:

A. That Plaintiffs recover from the Defendant, TAMARACK HEATING & COOLING, INC., an Illinois corporation, the sum of \$418,443.36 for contributions and the additional sum of \$41,844.33 for liquidated damages, or a total sum of \$460,287.69.

B. That Plaintiffs recover from the Defendant, TAMARACK HEATING & COOLING, INC., an Illinois corporation, the sum of \$390.00 for their costs and \$4,071.25 as and for Plaintiffs' just and reasonable attorneys' fees.

C. That Plaintiffs recover from the Defendant, TAMARACK HEATING & COOLING, INC., an Illinois corporation, the total sum of **\$464,748.94**.

D. Plaintiffs are awarded execution for the collection of the judgments and costs granted hereunder.

E. The Court hereby retains jurisdiction of this cause and all of the parties hereto for the purpose of enforcing this Order.

ENTER:


UNITED STATES DISTRICT JUDGE

DATED: 5/6/08

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